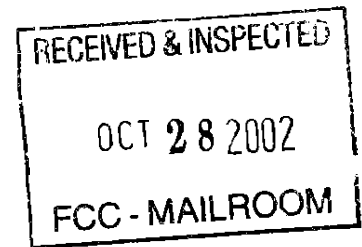


KRZB (FM) --- Texas Grace Communications
P.O. Box 8481
Gulfport, MS 39506
(228) 388-9011



October 29, 2002

Ms. Marlene Dortch, Secretary
Federal Communications Commission
9300 E. Hampton Dr.
Capitol Heights, MD 20743

Re: MM Docket No. 00-148

***Motion to Accept Opposition
To Show Cause Order
Filed by Texas Grace Communications,
Permittee of KRZB/Archer City, TX
Facility ID No. 79024***

Dear Ms. Dortch,

On behalf of Texas Grace Communications, permittee of KRZB/Archer City, please find enclosed an Original, plus (4) copies, and a Stamp In & Return Copy, of the attached ***Motion For FCC to Accept Opposition to Show Cause Order*** pleading.

Please immediately stamp-in with today's receipt date, and then please **urgently direct this filing to Mr. Bob Hayne at the Allocations Branch** of the Audio Division.

Please return the Stamp In & Return Copy to me, in the postage-paid envelope provided.

The Secretary's courtesy is appreciated. Any questions, please feel free to call the undersigned.

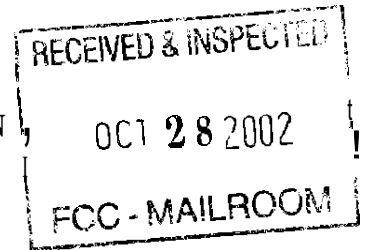
Sincerely,

A handwritten signature in cursive script, appearing to read "Dave Garey".

Dave Garey
Proprietor, Texas Grace Communications
Enc: Signed Original, (4) Copies, + Stamp In & Return Copy

Hand Carried
List Above OT4

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**



In the Matter of)	
)	
Amendment of Section 73.202(b),)	
Table of Allotments,)	MM Docket No. 00-148
FM Broadcast Stations)	RM-9939
(Quanah, Archer City, Converse, Flatonia,)	RM-10198
Georgetown, Ingram, Keller, Knox City,)	
Lakeway, Lago Vista, Llano, McQueeney,)	
Nolanville, San Antonio, Seymour, Waco and)	
Wellington, TX; and Ardmore, Durant,)	
Elk City, Healdton, Lawton and Purcell, OK)	

To: John A. Karousos, Chief
Allocations Branch, Policy and Rules Division
Media Bureau

MOTION FOR FCC TO ACCEPT TEXAS GRACE COMMUNICATIONS'

**OPPOSITION TO SHOW CAUSE ORDER, AND REQUEST THAT DEFECTIVE
COUNTERPROPOSAL BE IMMEDIATELY MODIFIED OR DISMISSED**

Texas Grace Communications ("Grace") as proprietor of KRZB/Archer City, TX respectfully submits the instant Motion to Accept its "Opposition to Show Cause Order, and Request That Defective Counterproposal be Immediately Modified or Dismissed" ("Opposition") as simultaneously filed with the FCC on this date.

For numerous compelling reasons, it is clearly in the public interest for the Honorable FCC Allocations Chief to accept the accompanying Opposition to the FCC's *Order to Show Cause*' ("Order")---under which KRZB/Archer City would be forced to

¹Refers to Order to Show Cause under MM Docket No. 00-148 directed to Grace, and bearing FCC release date of December 7, 2001

relinquish not just its channel, but also its permitted transmission site as a result of such channel change.

Grace notes that the proceeding under MM Docket No. 00-148 is an open, non-resolved proceeding, which should thus welcome responses stating facts of a relevant, material, and substantial nature---especially from a party such as Grace who will clearly be impacted by the Order. Since the Order refers to Grace as the sole remaining party providing alleged obstacle to “ultimate resolution” of the instant proceeding, consideration of Grace’s Opposition pleading is therefore clearly in the public interest. In its wisdom, the Allocations Branch cited Grace as a party---if not *the* party---from whom response is deemed relevant and essential before any disposition of the instant proceeding should occur. Indeed, the Order to Show Cause was directed specifically to Grace, and response sought directly from Grace. FCC acceptance of the Opposition pleading thus satisfies the Allocations Branch’s own determined need and desire---to hear from KRZB/Archer City.

Grace’s Opposition presents vital substantial and material facts not previously raised or acknowledged in the proceeding under MM Docket No. 00-148, but which are nonetheless essential to any judicious resolution. The Opposition calls attention to and corrects clear inaccurate statement of fact within the Order to Show Cause relating to erroneous portrayal of Grace’s permitted transmission site and service. Given that such false information as contained within the Order---albeit inadvertently--is used to premise the very Order’s existence², the Allocations Branch can appreciate the necessity of

²Grace’s Opposition demonstrates that the Order to Show Cause depicts KRZB/Archer City’s permitted service at an incorrect transmission site at which it has never been permitted or sought permitted status. The Order thus inadvertently states that a channel

Grace's Opposition pleading. Acceptance of Grace's Opposition will ensure correction by the Allocations Branch of the Order's erroneous textual information---and thus allow for appropriate DISMISSAL of the Order given the fact that a substitute channel allowing KRZB/Archer City to broadcast from its permitted transmission site has not been made available, as mistakenly portrayed

The fact that the proceeding remains open indicates that the Allocations Branch, in its wisdom, is not ready to approve the Counterproposal tiled by former Allocations Branch Chief Mark Lipp in October, 2000, which constitutes the centerpiece of this proceeding. In endeavoring to upgrade a facility (as Lipp attempts to do in trying to move the 97.5 Durant, OK facility down to the Dallas-Fort Worth Metroplex at Keller, TX), a party MUST protect already existing or permitted services (such as that permitted to KRZB/Archer City on the 97.5 co-channel) such that nothing more than a channel substitution at the existing licensed or permitted transmission site is required to enable the would-be upgrade. Grace's Opposition correctly notes that this requirement was *not* met within the Counterproposal, and furthermore, that the Counterproposal failed to even acknowledge the existence of KRZB/Archer City's already-existing permitted service, inclusive of permitted transmission site. Since this deficiency was inadvertently missed by the Allocations Branch in its preparation of the Order, acceptance of the Grace Opposition is essential for bringing the matter to the attention of the Allocations Chief. Moreover, Opposition acceptance will ensure judicious resolution of the pending Lipp Counterproposal. Lipp will need to cure the Counterproposal to protect KRZB/Archer

substitution at Grace's permitted transmission site is all that is necessary to facilitate Mark Lipp's proposed Dallas-Fort Worth/Keller, TX move-in on Grace's 97.5 co-channel

City's permitted service and transmission site (on either its current or a substitute channel)---or the Allocations Chief will be compelled to appropriately DISMISS the Counterproposal for failing to protect an existing permitted service.

While the public interest is overwhelmingly served by acceptance of the accompanying Opposition for its provision of essential, corrective fact information to the instant proceeding, Grace notes, as a matter of record, that it *never received service* of the Order to Show Cause. Indeed, Grace was unaware of the Order's adoption and release until informed of such in September, 2002 by Allocations Branch staff attorney Bob Hayne---whom Grace's proprietor had called to make a status inquiry pertaining to whether or not the Counterproposal had yet been ruled upon. Grace notes that the Order clearly evidences that the Allocations Branch considered service receipt by Grace to be an inherent component of the Order (*See* Order, p. 2, number 6.). Grace does not dispute any assertion that a copy of the Order was most probably mailed out by the FCC. Rather, we only state the fact that absolutely no service of any kind (such as by Certified Mail, for example, as referenced within the Order) ever reached or was signed for as having been received by Grace's proprietor. Grace believes the problem may have resulted from the Allocations Branch being genuinely unaware of Grace's correct address. (On the Order's December 7, 2001 release date, Grace had a "Biloxi, Mississippi" address, subsequently changed in 2002 to the "Gulfport, Mississippi" address which appears on the signed submission page of this pleading. The "Biloxi" address had already been depicted by KRZB/Archer City in pleadings to the FCC prior to December 7, 2001, and indeed, correspondence from the FCC not relating to the instant

frequency. In actuality, Grace would be forced to move from its permitted transmission

proceeding had been received by Grace at the “Biloxi” address prior to the Order’s release date). Since Grace never received service of the Order to Show Cause, through no intentional fault of the Allocations Branch, Grace respectfully asks that any response deadline based upon such anticipated service receipt be waived.

Regrettably, Grace expects Mark Lipp to oppose acceptance of the Opposition. However, Grace respectfully urges Lipp to *not* contest Grace’s right to be heard, as such response will raise troubling legal ethics concern. Specifically, the Order to Show Cause under Opposition by Grace plainly contains FALSE statement of fact (albeit inadvertently on the part of the Allocations Branch) with respect to KRZB/Archer City’s permitted service/transmission site, and FALSELY contends that merely a channel substitution to Channel 230C1 will allow Grace to remain at its permitted site. Since the FALSE content of the Order is clearly brought to the attention of the Allocations Branch and to all parties to this proceeding within the instant pleading (as well as within Grace’s Opposition), the Order---as a document within Federal proceeding now known to contain FALSE statement of fact---can no longer be promulgated for acceptance or otherwise endorsed by a proceeding party or Officer of the Court. Rather, as a document known to contain FALSE statement of fact, the Order to Show Cause must now be appropriately voided by the proceeding tribunal as requested within the Grace Opposition. Since the Opposition merely sheds light upon the FALSE information within the Order, any attempt to impede Grace’s Opposition from being accepted by the Allocations Branch will amount to willful endorsement of a document *known to* contain FALSE information--in blatant violation of legal ethics. Grace therefore prevails upon Lipp to fully support

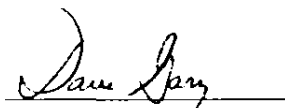
site because no substitute channel for the permitted site has been provided.

acceptance of the Opposition pleading by the Honorable Allocations Chief. Moreover, Lipp had—and continues to have---ample opportunity to cure his Counterproposal so as to protect the existing KRZB/Archer City permitted service and transmission site, which will allow a beneficial result for all parties.

In light of the vital reasons cited above, in the interest of correcting inaccuracy within the Order (which should result in the Order's dismissal), and in the clear interest of justice, KRZB/Archer City respectfully asks the Honorable Allocations Chief to please ACCEPT Grace's "Opposition to Show Cause Order, and Request That Defective Counterproposal be Immediately Modified or Dismissed" pleading as jointly filed on this date.

The FCC, along with any other interested parties wishing to respond to the instant document, are asked to utilize Grace's corrected address as noted below. Grace, by its proprietor, certifies that all information contained herein is true and correct to the best of its knowledge and belief.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Dave Garey", is written over a horizontal line.

October 29. 2002

Dave Garey, Proprietor
Texas Grace Communications
P.O. Box 8481
Gulfport, MS 39506

CERTIFICATE OF SERVICE

I, Dave Garey, do hereby certify that I have, on October 29, 2002, placed in the U.S. mail and sent First Class postage prepaid the foregoing pleading to the parties whose names and addresses appear below.



Nationwide Radio Stations
Mane Drischel, General Partner
496 Country Road
Suite 308
Big Creek, MS 38914

KRZI, Inc.
c/o Lee J. Peltzman
Shainis & Peltzman, Chartered
1850 M Street, N.W.
Suite 240
Washington, DC 20036

KXOO
Paragon Communications, Inc
P.O. Box 945
Elk City, OK 73648

Windthorst Radio Broadcasting Co.
c/o Vincent A. Pepper
Pepper & Corazzini, LLP
1776 K Street, NW
Suite 200
Washington, DC 20006

Chuckie Broadcasting Co.
c/o Timothy Brady
P.O. Box 71309
Newnan, GA 30271-1309

KSEY
Mark V. Aulabaugh
Box 471
Seymour, TX 76380

KLRK
KRZI, Inc.
1018 N. Valley Mill Dr
Waco, TX 76710

KGOK/KICM
AM & PM Broadcasting LLC
5946 Club Oaks Drive
Dallas, TX 75248

AM & PM Broadcasting LLC
c/o Robert L. Thompson
Thiemann Aitken & Vohra, LLC
908 King St. #300
Alexandria, VA 22314

KKAJ
Chuckie Broadcasting Co.
Box 429
1205 Northglen
Ardmore, OK 73402

Sheldon Broadcasting, Ltd
P.O. Box 1996
Temple, TX 76502

Fritz Broadcasting Co., Inc.
c/o Dan J. Alpert Law Office
2120 North 21st St.
Suite 400
Arlington, VA 22201

Elgin FM Limited Partnership/
Charles Crawford
c/o Law Office of Gene Bechtel, PC
1050 17th St. NW, Suite 600
Washington, DC 20036

David P. Garland, President
Stargazer Broadcasting, Inc.
P.O. Box 519
Woodville, TX 75979

Maurice Salsa
5615 Evergreen Valley Drive
Kingwood, TX 77345

Bryan A. King
BK Radio
1809 Lightsey Road
Austin, TX 78704

Next Media Licensing, Inc.
c/o Matthew L. Liebowitz
Liebowitz & Associates, PA
1 SE Third Ave., Suite 1450
Miami, FL 33131

Capstar TX LP/
Clear Channel Broadcast Licenses, Inc.
c/o Gregory L. Masters
Wiley, Rein & Fielding
1776 K St., NW
Washington, DC 20006

First Broadcasting Co., LP/
Rawhide Radio, LLC
c/o Mark N. Lipp
Shook, Hardy & Bacon, LLP
600 14th St., NW, Suite 800
Washington, DC 20005